\* ZONING COMMISSIONER Yardley Road (3509 Loganview Drive) \* OF BALTIMORE COUNTY 12th Election District 7th Councilmanic District \* Case No. 91-481-A

Gilbert E. Smallwood, et ux Petitioners

\* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 2 and 1/2 feet in lieu of the minimum required 10 feet for a proposed carport in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this  $\cancel{R}\mathcal{M}$  day of July, 1991 that the Petition for Residential Variance to permit a side yard setback of 2 and 1/2 feet in lieu of the minimum required 10 feet for a proposed carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however. Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall not allow or cause the proposed carport to be converted to a second dwelling unit and/or apartments. The carport shall remain open on the three exposed sides.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

- 2-

Zoning Commissioner for Baltimore County

JRH:bjs

**AFFIDAVIT** IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-481-A

The undersigned hereby afterms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently reside at \_\_\_\_\_\_ 364 L. 124 ... (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Handwritten Signature)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

in a contract of the 15 to the

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

T. , #488 Zoning Description

Beginning at a point on North side of Logan View DR., 25 St. wide at the distance of 78 ft. east of Yardley DR. Being lot No. 6 in the Subdivision of Dundalk, Balto. co. \_ Plat book 14 folio 113 containing 0.182 Ac.t. Also Known as 3509 Logan View DR & located in the 12th Election District.

91-481-A

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

July 18, 1991

Mr. & Mrs. Gilbert E. Smallwood 3509 Loganview Drive Baltimore, Maryland 21222

RE: PETITION FOR RESIDENTIAL VARIANCE NE/S Loganview Drive, 78' E of Yardley Road (3509 Loganview Drive) 12th Election District - 7th Councilmanic District Gilbert E. Smallwood, et ux - Petitioners Case No. 91-481-A

Dear Mr. & Mrs. Smallwood:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, . ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

cc: People's Counsel

File

DONING DEPARTMENT OF BALTIMORE COUNTY 91-481-4

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## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Bal the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 - To allow a side yard setback of  $\frac{21}{2}$ /2 ft. in lieu of the minimum required

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (2 NEED A WOLK POLK FOR 121

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Daltimore County adopted pursuant to the Zoning Law for Baltimore County.

···	som for barrimore County.
C P	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City/State/Zip Code	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
Attorney for Petitioner:	Signature 7 0 1 1
(Type or Print Name)	Address Phone
Signature	City/State/Zip Code
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Attorney's telephone number	Name
•	Address
ORDERED by the Zonton Commissioner of Baltimore of	

ORDERED by the Zoning Commissioner of Baltimore County, this 1417 day of June, 199/, that the subject matter of this petition be posted on the property on or before the 29th day of Tune, 19 9/.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.

IT IS FURTHER DROCRED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_

M.	
2	ORDER RECEIVED FOR FILING TOTAL STONER OF BALTIMURE COUNTY
I'	Date 7/18/91
	By

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

June 24, 1991

111 West Chesapeake Avenue Towson, MD 2120 r

> Mr. & Mrs. Gilbert E. Smallwood 3509 Longanview Drive Baltimore, Maryland 21222

Re: CASE NUMBER: 91-481-A LOCATION: NE Longanview Drive, 78' E of Yardley Road 3509 Longanview Drive

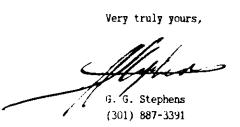
Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 26, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is July 11, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



111 West Chesapeake Avenue Towson, MD 21204

July 1, 1991

887-3353

Mr. & Mrs. Gilbert E. Smallwood 3509 Loganview Drive Baltimore, MD 21222

> RE: Item No. 488, Case No. 91-481-A Petitioner: Gilbert E. Smallwood, et ux Petition for Residential Variance

Dear Mr. & Mrs. Smallwood:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: August 6, 1991

Arnold Jablon, Director Zoning Administration and

Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Gilbert E. Smallwood, Item No. 488

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM488/ZAC1

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning ( # · · · ·

111 West Chesapeake Avenue Towson, MD 2120a

SST 4354

Your petition has been received and accepted for filing this

J. ROBERT HAINES ZONING COMMISSIONER

Received By:

Zoning Plans Advisory Committee

Petitioner: Gilbert E. Smallwood, et ux Petitioner's Attorney:

14th day of June, 1991.

Baltimore County Government Fire Department 700 East Joppa Road, Suite 901

Towson, MD 21204 5500

(301) 887 4500

JUNE 21, 1991

J. Pobert Haines %ening Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

PE: Property Owner: GILBERT F. SMALLWOOD

Location: #3509 LOCANVIEW DRIVE Item No.: 488 Zoning Agenda: JUME 25, 1991

Centlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

\_Approved. Fire Prevention Bureau

JK/KEK

date: <u>5-21-9/</u> prepared by: Rwc

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 9, 1991 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for June 25, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items  $4\overline{63}$ , 464,  $4\overline{65}$ , 471, 478, 480, 484, 485, 487. 488, 489.

For Items 476 and 490, the previous County Review Group Meeting Comments still apply.

For Items 481, 482 and 486, County Review Group Meetings may be required.

For Item 481, Cockeysville Road is an existing road, and no further improvements are required at this time.

In addition, entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

Also, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 482, Hammonds Ferry Road and Second Avenue are existing roads, and no further improvements are requested at this time.

However, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 486, Fulaski Highway (U.S. Route 40) is a State Road and any improvements, including entrances, are subject to requirements and approval of the State Highway Administration.

CASE NUMBER

PETITIONER'S EXHIBIT# 2

BALTIMORE COUNTY, MARYLAND ZONING OFFICE COMMENTS

Zoning Commissioner

John J. Sullivan

SUBJECT: Gilbert Smallwood, Item# 488

At the 10:45 petition appointment I advised Mr. Rick Carder, the applicant representative of the petitioner that Mr. & Mrs. Smallwood should write a letter to the Zoning Commissioner as soon as possible detailing in greater depth their reason(s) for requesting this variance.

DATE: June 14, 1991

Atta former Commerciane, 91-481-A

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recording from the shown in well as and ment was thank you for your immediate allerting on their maller 3509 Toganism Louis A STORE 21222, M.C.

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: 3509 Locanview on see pages 5 & 6 of the CHECKLIST for additional required Information Subdivision name: Dundalk plat book# 14, folio# 113, lot# 6, section# Petitioner's Ephibit 1 OWNER: JOAN O. SMALL WOOD رودهاره. Vicinity Map LOCATION INFORMATION Councilmanic District: 7# Election District: /2 \*\* 1'=200' scale map#: SE, 5-E Zoning: DR -5.5 Lot size: 0.182 7946 ± square feet SEWER: X WATER: X 79' +0 LogANVIEW DR 25 wide

Scale of Drawing: 1'= 50

Chesapeake Bay Critical Area:

Zoning Office USE ONLY! 1 488 91-481-A

Looking north from Logan View Drive

